

**MINUTES OF THE
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENTAL
QUALITY APPROPRIATIONS SUBCOMMITTEE**

Monday, February 12, 2018 • 4:00 p.m. • 210 Senate Building

Members Present:

Sen. David P. Hinkins, Senate Chair
Rep. Stewart E. Barlow, House Chair
Rep. Scott H. Chew, House Vice Chair
Sen. Jim Dabakis
Sen. Margaret Dayton
Sen. Don L. Ipson
Sen. Evan J. Vickers
Rep. Carl R. Albrecht
Rep. Kay J. Christofferson
Rep. Susan Duckworth
Rep. Stephen G. Handy
Rep. Karen Kwan

Rep. Michael E. Noel
Rep. Lee B. Perry
Rep. Douglas V. Sagers
Rep. Keven J. Stratton
Rep. Christine F. Watkins

Members Absent:

Sen. Peter C. Knudson
Sen. Ralph Okerlund

Staff Present:

Ms. Katiemarie Harmon, Committee Secretary
Mr. Ivan D. Djambov, Fiscal Analyst
Mr. Alexander R. Wilson, Fiscal Analyst

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

Chair Hinkins called the meeting to order at 4:05 p.m.

1 . Approval of Minutes

MOTION: Rep. Sagers moved to approve the minutes of January 31, February 2, February 6, and February 8, 2018. The motion passed with a vote of 14 - 0 - 5 .

Yeas-14

Rep. C. Albrecht
Rep. S. Barlow
Rep. S. Chew
Sen. J. Dabakis
Sen. M. Dayton
Rep. S. Handy
Sen. D. Hinkins
Sen. D. Ipson
Rep. K. Kwan
Rep. M. Noel
Rep. L. Perry
Rep. D. Sagers
Sen. E. Vickers
Rep. C. Watkins

Nays-0

Absent-5

Rep. K. Christofferson
Rep. S. Duckworth
Sen. P. Knudson
Sen. R. Okerlund
Rep. K. Stratton

2 . RFA - Coal Lawsuit Challenging California's War on Utah Coal - Rep. Noel

Rep. Noel presented the appropriation request with the assistance of Mr. David Ure, Director, Utah School and Institutional Trust Lands Administration (SITLA), Ms. Denise Dragoo, Attorney, Alton Coal Development, and Mr. Larry Johnson, General Manager, Alton Coal Development.

2-Coal Lawsuit Challenging California's War on Utah Coal

Sen. Dabakis asked a question about the appropriation and the potential profits for the law firm.

Rep. Albrecht commented his support of the lawsuit.

Rep. Christofferson asked if there will be an opportunity to have matching funds from the organizations that will benefit from the lawsuit.

Rep. Kwan asked if the lawsuit could be a multi-state class action.

3 . RFA - Air Quality FTE: State Implementation Planning (SIP) - Sen. Okerlund

Mr. Bryce Bird, Director, Division of Air Quality, Department of Environmental Quality (DEQ), presented the appropriation.

[4-Voting Packet - Final Voting, Feb. 12, 2018](#)

4 . Final Voting

MOTION: Chair Barlow moved to approve Item "1 Federal Funds." The motion passed with a vote of 16 - 1 - 2 .

Yeas-16

Rep. C. Albrecht
Rep. S. Barlow
Rep. S. Chew
Rep. K. Christofferson
Sen. M. Dayton
Rep. S. Duckworth
Rep. S. Handy
Sen. D. Hinkins
Sen. D. Ipson
Rep. K. Kwan
Rep. M. Noel
Rep. L. Perry
Rep. D. Sagers
Rep. K. Stratton
Sen. E. Vickers
Rep. C. Watkins

Nays-1

Sen. J. Dabakis

Absent-2

Sen. P. Knudson
Sen. R. Okerlund

MOTION: Rep. Chew moved to approve Item "2 Fees."

SUBSTITUTE MOTION: Sen. Dayton moved to add, "Compensatory Mitigation Program, Fees." The Substitute motion passed with a vote of 16 - 0 - 3 .

Yeas-16

Nays-0

Absent-3

Rep. C. Albrecht
Rep. S. Barlow
Rep. K. Christofferson
Sen. J. Dabakis
Sen. M. Dayton
Rep. S. Duckworth
Rep. S. Handy
Sen. D. Hinkins
Sen. D. Ipson
Rep. K. Kwan
Rep. M. Noel
Rep. L. Perry
Rep. D. Sagers
Rep. K. Stratton
Sen. E. Vickers
Rep. C. Watkins

Rep. S. Chew
Sen. P. Knudson
Sen. R. Okerlund

[4a-Compensatory Mitigation Program, Fees](#)

Rep. Chew commented that he would not vote on the proposed change due to a conflict of interest.

MOTION: Rep. Barlow moved to approve Item "3 Legislative Intent Language."

MOTION: Rep. Stratton moved to approve Item "3 Legislative Intent Language," adding the following intent language, "The Legislature intends the Executive Director of the Department of the Department of Natural Resources appoint a working group of subject matter experts to study various issues related to water quality, water rights, and water supply in the state, including extraterritorial jurisdiction, watershed management, forest health, and property right. The Executive Director may appoint members of the Executive Water Task Force, the Legislative Water Development Commission, or any other individual to the working group. The working group will report regularly to the Natural Resources, Agriculture, and Environment Interim Committee during the 2018 interim. The Executive Director shall deliver a final report on the working group's conclusions and recommendations to the Natural Resources, Agriculture, and Environment Interim Committee by September 30, 2018."

Rep. Sagers asked a question about the fiscal impact of the working group.

Rep. Duckworth asked a clarifying question about the working group.

MOTION: Rep. Chew moved to amend Item "3 Legislative Intent Language" by adding another piece of legislative intent language to the list: "The Legislature intends that the \$2.2 million appropriation from the Sovereign Lands Management Restricted Account to the Division of Forestry, Fire and State Lands not lapse at the close of Fiscal Year 2018. The Legislature intends that the division use the appropriation to engage the Division of Facilities Construction and Management to design and build an Interagency Fire Dispatch Center in Richfield."

Rep. Noel asked a question about the amendment.

Mr. Mike Styler, Executive Director, Department of Natural Resources, helped answer questions.

Rep. Handy asked a question about the O & M (Operations and Maintenance) cost.

Rep. Albrecht helped clarify the purpose of the amendment.

Rep. Noel commented on the dispatch center.

Rep. Stratton adopted the two amendments proposed to his substitute motion. passed with a vote of 14 - 2 - 3 .

Yeas-14

Rep. C. Albrecht
Rep. S. Barlow
Rep. K. Christofferson
Sen. J. Dabakis
Rep. S. Duckworth
Rep. S. Handy
Sen. D. Hinkins
Sen. D. Ipson
Rep. K. Kwan
Rep. L. Perry
Rep. D. Sagers
Rep. K. Stratton
Sen. E. Vickers
Rep. C. Watkins

Nays-2

Sen. M. Dayton
Rep. M. Noel

Absent-3

Rep. S. Chew
Sen. P. Knudson
Sen. R. Okerlund

Rep. Noel commented that he and Sen. Dayton are opposed to the second amendment relating to the fire dispatch center.

MOTION: Rep. Barlow moved to approve Item "4A Re-Purposing Funds." The motion passed with a vote of 16 - 0 - 3 .

Yeas-16

Nays-0

Absent-3

Rep. C. Albrecht
Rep. S. Barlow
Rep. K. Christofferson
Sen. J. Dabakis
Sen. M. Dayton
Rep. S. Duckworth
Rep. S. Handy
Sen. D. Hinkins
Sen. D. Ipson
Rep. K. Kwan
Rep. M. Noel
Rep. L. Perry
Rep. D. Sagers
Rep. K. Stratton
Sen. E. Vickers
Rep. C. Watkins

Rep. S. Chew
Sen. P. Knudson
Sen. R. Okerlund

MOTION: Rep. Chew moved to approve Item "4B Improving Fee Data Accuracy." The motion passed with a vote of 16 - 0 - 3 .

Yeas-16

Nays-0

Absent-3

Rep. C. Albrecht
Rep. S. Barlow
Rep. K. Christofferson
Sen. J. Dabakis
Sen. M. Dayton
Rep. S. Duckworth
Rep. S. Handy
Sen. D. Hinkins
Sen. D. Ipson
Rep. K. Kwan
Rep. M. Noel
Rep. L. Perry

Rep. S. Chew
Sen. P. Knudson
Sen. R. Okerlund

Rep. D. Sagers
Rep. K. Stratton
Sen. E. Vickers
Rep. C. Watkins

Mr. Ivan Djambov, Fiscal Analyst, LFA, explained the list "5 Non-General Fund Increases" on page 9.

MOTION: Sen. Dabakis moved to remove lines 3 and 4 of the list "5 Non-General Fund Increases."

Mr. Scott Erickson, Deputy Director, Department of Agriculture and Food, explained items 3 and 4.

Sen. Dabakis withdrew his motion.

MOTION: Chair Hinkins moved to approve the list "5 Non-General Fund Increases." The motion passed with a vote of 17 - 0 - 2 .

Yeas-17

Rep. C. Albrecht
Rep. S. Barlow
Rep. S. Chew
Rep. K. Christofferson
Sen. J. Dabakis
Sen. M. Dayton
Rep. S. Duckworth
Rep. S. Handy
Sen. D. Hinkins
Sen. D. Ipson
Rep. K. Kwan
Rep. M. Noel
Rep. L. Perry
Rep. D. Sagers
Rep. K. Stratton
Sen. E. Vickers
Rep. C. Watkins

Nays-0

Absent-2

Sen. P. Knudson
Sen. R. Okerlund

MOTION: Sen. Ipson moved to approve the prioritized list "6 One-Time General Fund Requests" on page 10.

Rep. Noel asked a question about line 15, "2017 Wildfire Suppression and Remediation Costs."

Mr. Brian Cottam, Director, Division of Forestry, Fire, and State Lands, responded to Rep. Noel's question.

Rep. Duckworth asked about the refund from the Federal Government.

Sen. Ipson's moved to approve the prioritized list "6 One-Time General Fund Requests."passed with a vote of 16 - 0 - 3 .

Yeas-16

Nays-0

Absent-3

Rep. C. Albrecht

Rep. S. Barlow

Rep. K. Christofferson

Sen. J. Dabakis

Sen. M. Dayton

Rep. S. Duckworth

Rep. S. Handy

Sen. D. Hinkins

Sen. D. Ipson

Rep. K. Kwan

Rep. M. Noel

Rep. L. Perry

Rep. D. Sagers

Rep. K. Stratton

Sen. E. Vickers

Rep. C. Watkins

Rep. S. Chew

Sen. P. Knudson

Sen. R. Okerlund

MOTION: Sen. Ipson moved to approve Item "7 Ongoing General Fund Requests" on page 11. The motion passed with a vote of 16 - 0 - 3 .

Yeas-16

Nays-0

Absent-3

Rep. C. Albrecht

Rep. S. Barlow

Rep. K. Christofferson

Sen. J. Dabakis

Sen. M. Dayton

Rep. S. Duckworth

Rep. S. Handy

Sen. D. Hinkins

Sen. D. Ipson

Rep. K. Kwan

Rep. M. Noel

Rep. L. Perry

Rep. D. Sagers

Rep. S. Chew

Sen. P. Knudson

Sen. R. Okerlund

Rep. K. Stratton

Sen. E. Vickers

Rep. C. Watkins

MOTION: Rep. Barlow moved to adjourn.

Chair Hinkins adjourned the meeting at 5:01 p.m.